

**CHAPTER 312**

H.B. No. 1662

**AN ACT**

relating to the transfer of court-appointed volunteer advocate programs for abused or neglected children.

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1.** Subchapter D, Chapter 72, Government Code, is transferred to Subtitle C, Title 2, Family Code, redesignated as Subchapter D, Chapter 34, Family Code, as added by this Act, and amended to read as follows:

## SUBCHAPTER D. COURT-APPOINTED VOLUNTEER ADVOCATE PROGRAMS

Sec. 34.601 [72.041]. DEFINITIONS. In this *chapter* [subchapter]:

(1) "Abused or neglected child" means a child who is:

(A) the subject of a suit affecting the parent-child relationship brought by a governmental entity; and

(B) under the control or supervision of the *Department of Protective and Regulatory Services* [~~child protective services division of the Texas Department of Human Services~~].

(2) "Volunteer advocate program" means a volunteer-based, nonprofit program that provides advocacy services to abused or neglected children with the goal of obtaining a permanent placement for the children that is in their best interest.

Sec. 34.602 [72.042]. CONTRACTS WITH ADVOCATE PROGRAMS. (a) The *attorney general* [office] shall contract for services with each eligible volunteer advocate program to expand the existing services of the program.

(b) The contract may not result in reducing financial support a volunteer advocate program receives from another source.

(c) The *attorney general* [office] shall develop a scale of state financial support for volunteer advocate programs that declines over a six-year period beginning on the date each individual contract takes effect. After the end of the six-year period, the *attorney general* [office] may not provide more than 50 percent of the volunteer advocate program's funding.

Sec. 34.603 [72.043]. ADMINISTRATIVE CONTRACTS. The *attorney general* [office] shall contract with one statewide organization of individuals or groups of individuals who have expertise in the dynamics of child abuse and neglect and experience in operating volunteer advocate programs:

(1) for the provision of training, technical assistance, and evaluation services for the benefit of local volunteer advocate programs; and

(2) to manage the *attorney general's* [office's] contracts under Section 34.602 of this code [72.042].

Sec. 34.604 [72.044]. ELIGIBILITY FOR CONTRACTS. (a) A person is eligible for a contract under Section 34.602 of this code [72.042] only if the person is a public or private nonprofit entity that operates a volunteer advocate program that:

(1) uses individuals appointed as volunteer advocates by the court to provide for the needs of abused and neglected children;

(2) has provided court-appointed advocacy services for at least two years;

(3) provides court-appointed advocacy services for at least 10 children each month; and

(4) has demonstrated that it has local judicial support.

(b) The *attorney general* [office] may not contract with a person that is not eligible under this section; however, the *attorney general* [office] may waive the requirement in *Subsection (a)(3) of this section* [~~Subdivision (3) of Subsection (a)~~] for established programs in rural areas or under other special circumstances.

Sec. 34.605 [72.045]. CONTRACT FORM. A person must apply for a contract under Section 34.602 of this code [72.042] on a form provided by the *attorney general* [office].

Sec. 34.606 [72.046]. CRITERIA FOR AWARD OF CONTRACTS. The *attorney general* [office] shall consider the following factors in awarding a contract under Section 34.602 of this code [72.042]:

(1) the volunteer advocate program's eligibility for and use of funds from local, state, or federal governmental sources, philanthropic organizations, and other sources;

(2) community support for the volunteer advocate program as indicated by financial contributions from civic organizations, individuals, and other community resources;

(3) whether the volunteer advocate program provides services that encourage the permanent placement of children through reunification with their families or timely placement with an adoptive family; and

(4) whether the volunteer advocate program has the endorsement and cooperation of the local juvenile court system.

Sec. 34.607 [72.047]. CONTRACT REQUIREMENTS. (a) The *attorney general [office]* shall require that a contract under Section 34.602 of this code [72.042] require the volunteer advocate program to:

(1) make quarterly and annual financial reports on a form provided by the *attorney general [office]*;

(2) cooperate with inspections and audits that the *attorney general [office]* makes to ensure service standards and fiscal responsibility;

(3) provide as a minimum:

(A) independent and factual information to the court regarding the child;

(B) advocacy through the courts for permanent home placement and rehabilitation services for the child;

(C) monitoring of the child to ensure the safety of the child and to prevent unnecessary movement of the child to multiple temporary placements;

(D) reports to the presiding judge and to counsel for the parties involved;

(E) community education relating to child abuse and neglect;

(F) referral services to existing community services;

(G) a volunteer recruitment and training program, including adequate screening procedures for volunteers; and

(H) procedures to assure the confidentiality of records or information relating to the child.

(b) The *attorney general [office]* may require that a contract under Section 34.602 of this code [72.042] require the volunteer advocate program to use forms provided by the *attorney general [office]*.

(c) The *attorney general [office]* shall develop forms in consultation with a statewide organization of individuals or groups of individuals who have expertise in the dynamics of child abuse and neglect and experience in operating volunteer advocate programs.

Sec. 34.608 [72.048]. REPORT TO THE LEGISLATURE. (a) Before each regular session of the legislature, the *attorney general [office]* shall publish a report that:

(1) summarizes reports from volunteer advocate programs under contract with the *attorney general [office]*;

(2) analyzes the effectiveness of the contracts made by the *attorney general [office]* under this chapter; and

(3) provides information on:

(A) the expenditure of funds under this chapter;

(B) services provided and the number of children for whom the services were provided; and

(C) any other information relating to the services provided by the volunteer advocate programs under this chapter.

(b) The *attorney general [office]* shall submit copies of the report to the governor, lieutenant governor, speaker of the house of representatives, Legislative Budget Board, and members of the legislature.

Sec. 34.609 [72.049]. RULE-MAKING AUTHORITY. The *attorney general [office]* may adopt rules necessary to implement this chapter.

Sec. 34.610 [72.050]. CONFIDENTIALITY. The *attorney general [office]* may not disclose information gained through reports, collected case data, or inspections that would identify a person working at or receiving services from a volunteer advocate program.

Sec. ~~34.611~~ [72.051]. CONSULTATIONS. In implementing this chapter, the *attorney general* [office] shall consult with individuals or groups of individuals who have expertise in the dynamics of child abuse and neglect and experience in operating volunteer advocate programs.

Sec. ~~34.612~~ [72.052]. FUNDING. (a) The *attorney general* [office] may solicit and receive grants or money from either private or public sources, including appropriation by the legislature from the *general revenue fund* [~~General Revenue Fund~~], to implement this chapter.

(b) The need for and importance of the implementation of this chapter by the *attorney general* [office] require priority and preferential consideration for appropriation.

(c) The *attorney general* [office] may not use more than six percent of the annual legislative appropriation it receives to implement this chapter for administration and not more than six percent annually for the contract described in Section ~~34.603~~ [72.043] of this chapter.

SECTION 2. (a) The Office of Court Administration of the Texas Judicial System and the attorney general shall coordinate the transfer of all office functions relating to the court-appointed volunteer advocate programs administered under Subchapter D, Chapter 72, Government Code, as it existed before the effective date of Section 1 of this Act, to the attorney general as required by this Act.

(b) The transfer required by this Act includes the transfer of all assets, duties, powers, obligations, and liabilities, including contracts, funds, employees, personal property, furniture, computers and other equipment, and files and related materials used by the Office of Court Administration of the Texas Judicial System in administering the program transferred by this Act.

(c) A form, rule, or procedure adopted by the Office of Court Administration of the Texas Judicial System that is in effect on the effective date of Section 1 of this Act remains in effect on and after that date as if adopted by the attorney general until amended, repealed, withdrawn, or otherwise superseded by the attorney general.

(d) An appropriation made to the Office of Court Administration of the Texas Judicial System for the operation of Subchapter D, Chapter 72, Government Code, is an appropriation to the attorney general for the same purpose on the effective date of Section 1 of this Act. If Section 1 of this Act takes effect October 1, 1993, and an appropriation is made to the attorney general for the operation of Subchapter D, Chapter 72, Government Code, or Subchapter D, Chapter 34, Family Code, as added by this Act, the attorney general may transfer sufficient funds to the Office of Court Administration of the Texas Judicial System for the operation of that law until October 1, 1993.

SECTION 3. This Act takes effect on the earliest date that the Act may take effect under Article III, Section 39, of the Texas Constitution, except that Section 1 of this Act takes effect:

(1) September 1, 1993, if Section 2 of this Act takes effect before the 91st day after the date of the 73rd Legislature, Regular Session, 1993, adjourns sine die; or

(2) October 1, 1993, if Section 2 of this Act takes effect on or after the 91st day after the 73rd Legislature, Regular Session, 1993, adjourns sine die.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force according to its terms, and it is so enacted.

Passed by the House on April 23, 1993, by a non-record vote; passed by the Senate on May 14, 1993: Yeas 29, Nays 0.

Approved May 27, 1993.

Effective Aug. 30, 1993, 90 days after date of adjournment, except § 1 effective Oct. 1, 1993.

## CHAPTER 313

H.B. No. 1876

## AN ACT

relating to cancellation of judgments and judgment liens after bankruptcy discharge.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. The heading of Subchapter B, Chapter 52, Property Code, is amended to read as follows:

SUBCHAPTER B. CANCELLATION OF JUDGMENTS AND JUDGMENT  
LIENS AGAINST BANKRUPTS—*ABSTRACT RECORDED BEFORE  
SEPTEMBER 1, 1993*

SECTION 2. Section 52.021, Property Code, is amended to read as follows:

Sec. 52.021. **DISCHARGE AND CANCELLATION.** (a) In accordance with this *subchapter* [~~chapter~~], a judgment and judgment lien may be discharged and canceled if the person against whom the judgment was rendered is discharged from his debts under federal bankruptcy law.

(b) This *subchapter* [~~chapter~~] applies to judgments against persons whose debts are discharged in bankruptcy *and for which the abstracts of judgment are recorded before September 1, 1993, as provided by Subchapter A*, regardless of the fact that the discharge in bankruptcy occurred before this law took effect.

SECTION 3. Chapter 52, Property Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. CANCELLATION OF JUDGMENTS AND  
JUDGMENT LIENS AGAINST DEBTORS—*ABSTRACT  
RECORDED ON OR AFTER SEPTEMBER 1, 1993*

Sec. 52.041. **APPLICATION OF SUBCHAPTER.** *This subchapter applies to a judgment and judgment lien for which an abstract of judgment or judgment lien is recorded on or after September 1, 1993.*

Sec. 52.042. **DISCHARGE AND CANCELLATION.** (a) *A judgment is discharged and any abstract of judgment or judgment lien is canceled and released without further action in any court and may not be enforced if:*

(1) *the lien is against real property owned by the debtor before a petition for debtor relief was filed under federal bankruptcy law; and*

(2) *the debt or obligation evidenced by the judgment is discharged in the bankruptcy.*

(b) *A judgment evidencing a debt or obligation discharged in bankruptcy does not have force or validity and may not be a lien on real property acquired by the debtor after the petition for debtor relief was filed.*

Sec. 52.043. **EXCEPTIONS TO DISCHARGE AND CANCELLATION.** *A judgment lien is not affected by this subchapter and may be enforced if the lien is against real property owned by the debtor before a petition for debtor relief was filed under federal bankruptcy law and:*

(1) *the debt or obligation evidenced by the judgment is not discharged in bankruptcy; or*

(2) *the property is not exempted in the bankruptcy and is abandoned during the bankruptcy.*

SECTION 4. This Act takes effect September 1, 1993.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the

constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 30, 1993, by a non-record vote; passed by the Senate on May 14, 1993: Yeas 29, Nays 0.

Approved May 27, 1993

Effective Sept. 1, 1993.